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Interim Lead Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:23-cv-03417-VC

**JOINT STATUS REPORT PER ECF NO.
231**

Pursuant to the Court's Order, ECF No. 231, the parties respectfully submit this status report.

Meta's witnesses

<u>Deponent</u>	<u>Relevant Date</u>
<i>Depositions Taken</i>	
1. Melanie Kambadur	Completed
2. Ahmad Al-Dahle	Completed
3. Eleonora Presani	Completed
4. Todor Mihaylov	Completed
5. Chaya Nayak	Completed
<i>Depositions Scheduled</i>	
6. Joelle Pineau	Nov. 6
7. Sergey Edunov	Nov. 6
8. Amanda Kallet	Nov. 14
9. Mike Clark	Nov. 13
10. Angela Fan	Nov. 15
11. Alex Boesenberg	Nov. 18
12. Yann LeCun	Nov. 21
13. Amrish Acharya	Nov. 21
14. Logan Kerr	Nov. 26
15. Hugo Touvron	Dec. 3
16. Sy Choudhury	Dec. 5
17. Thomas Scialom	Dec. 5
18. Nikolay Bashlykov	Dec. 6
19. Eugene Nho	Dec. 6
20. Sean Bell	Dec. 11
21. Steven Roller	Dec. 11
22. Arun Rao	Dec. 13
<i>Depositions To Be Scheduled</i>	
23. Susan Zhang	Meta provided Plaintiffs with Ms. Zhang's last known email, mailing address and phone number on Nov. 5.
24. Chris Cox	<i>Plaintiffs' Position:</i> Meta offered a single date, Nov. 26, for Mr. Cox's deposition and refused to provide any other dates during

	<p>the entire remaining discovery period. Plaintiffs informed Meta that date does not work and proposed Dec. 6. Meta replied that Mr. Cox is not available on Dec. 6, stating “You will need to take his deposition on 11/26.” Plaintiffs wrote back that, again, Nov. 26 does not work for lead counsel and asked for other dates that could work. Notably, Meta does not represent that Mr. Cox is not available on any other dates in the discovery period, except Dec. 6. Plaintiffs request that the Court order Meta to provide <i>all</i> dates before the close of discovery they can make Mr. Cox available.</p> <p><i>Meta’s Position:</i> Meta offered Nov. 26 for Mr. Cox’s deposition within hours of the Court’s order. Without any explanation why, Plaintiffs advised Meta on Nov. 4 that the date does not work and proposed Dec. 6. Mr. Cox is scheduled for deposition in another matter on Dec. 6. Meta has informed plaintiffs that they will need to move forward with Mr. Cox’s deposition on Nov 26. Plaintiffs have numerous senior lawyers, including in the Bay Area where Mr. Cox is being offered. One of Plaintiffs’ twenty-nine attorneys from at least six different firms that have appeared in this case can take his deposition on Nov. 26. Counsel has given Plaintiffs the available date that would allow Mr. Cox to meet with counsel in advance of the deposition and reserve a day for his deposition. Plaintiffs’ counsel cannot put personal convenience of a single unidentified attorney over the witness’s schedule. There are already many depositions scheduled in December prior to the December 13 cutoff. This is not the first time Plaintiffs have sought to postpone a deposition by rejecting a date offered. Meta is heeding the Court’s admonition not to have “a deposition train wreck at the end of fact discovery.” ECF No. 231 at 4. The Court should direct Plaintiffs to take the deposition of Mr. Cox on the date offered.</p>
25. Mark Zuckerberg	<p>The parties are meeting and conferring re: Mr. Zuckerberg’s deposition, which the parties agreed would occur on December 17, subject to additional terms and conditions the parties agreed to treat as confidential. Meta has provided Plaintiffs a joint stipulation and proposed order to present to Judge Chhabria to allow the deposition to occur on the agreed-upon date. (ECF No. 247 at 1).</p> <p><i>Meta’s Position:</i> Meta will raise the issue with Judge Chhabria if the parties are unable to resolve it. Meta disagrees with Plaintiffs’ statement that it has “reneged on the parties’ agreement by failing to satisfy the terms and conditions that it requested” or that Plaintiffs have the right to renege on the scheduling of the deposition.</p> <p><i>Plaintiffs’ Position:</i> Meta has reneged on the parties’ agreement by failing to satisfy the terms and conditions that it requested, and Plaintiffs have asked Meta to resolve the issues before Plaintiffs will agree to a stipulation of any kind. If the parties are unable to resolve any issues concerning the scheduling of Mr. Zuckerberg’s</p>

	deposition, it is improper to seek relief from Judge Chhabria in the first instance rather than present any dispute to this Court.
	<p>Meta designated Mike Clark for five 30(b)(6) topics and four other 30(b)(1) deponents to cover the other five 30(b)(6) topics.</p> <p><i>Plaintiffs' Position:</i> Plaintiffs requested that Meta make Mr. Clark available on Dec. 9 or Dec. 10 for his five designated 30(b)(6) deposition topics. Meta did not respond regarding those requested dates and instead stated for the first time that Meta would only make Mr. Clark available to testify about the five 30(b)(6) topics Meta designated him for a few days ago on the evening of his 30(b)(1) deposition, and that Meta could “reserve a few hours on 11/14” if the parties were “unable to finish the evening of 11/13.” Plaintiffs replied they do not agree to take Mr. Clark’s 30(b)(6) deposition—on five of the most critical topics in this case—during his previously-scheduled 30(b)(1) deposition and again asked Meta about Dec. 9 and Dec. 10. Meta now argues that it’s too burdensome for one of its lawyers to travel twice to Colorado for a 30(b)(6) deposition. That is not a colorable argument, particularly in light of Meta’s insistence that “Plaintiffs have numerous senior lawyers” such that the Court should force Plaintiffs to depose Mr. Cox on Nov. 26. So does Meta.</p> <p><i>Meta's Position:</i> The parties have already set dates for each of the Meta witnesses that are designated on 30(b)(6) topics. Meta advised Plaintiffs last week on the issues for which each of its witnesses would be designated to testify on 30(b)(6) topics. Mr. Clark is already confirmed for deposition on Nov. 13 in Colorado and that deposition will proceed. Meta has offered to extend the deposition into the evening of Nov. 13 and reserve several hours on Nov. 14 to allow time to address the 30(b)(6) topics. Plaintiff has not explained why this does not give them adequate time. Above, Plaintiffs request a totally separate date of Dec. 9 or 10 for Mr. Clark’s “30(b)(6) deposition”. Meta opposes splitting the 30(b)(1) and 30(b)(6) depositions of any witness into separate depositions days or weeks apart. Meta is prepared to extend designated witness depositions into the evening to cover the 30(b)(6) topics. Moreover, in the case of Mr. Clark, counsel is already traveling to Colorado and it is inefficient and burdensome on both Mr. Clark <i>and</i> counsel –especially in view of so many other depositions scheduled in December—to require a separate trip to Colorado weeks later when his deposition should be completed in a single trip. Mr. Clark has already reserved time to prepare for the 30(b)(6) topics and to complete both the 30(b)(1) and 30(b)(6) depositions next week, as indicated.</p>
26. Meta's 30(b)(6) Deposition	

Plaintiffs' witnesses

<u>Deponent</u>	<u>Relevant Date</u>
<i>Depositions Taken</i>	
1. David Henry Hwang	Completed
2. Christopher Golden	Completed
3. Laura Lippman	Completed
4. Lysa TerKeurst	Completed
5. Andrew Greer	Completed
6. Richard Kadrey	Completed
7. Jacqueline Woodson	Completed
8. Sarah Silverman	Completed
<i>Depositions Scheduled and/or Dates Provided</i>	
9. Junot Díaz	Nov. 20
10. Ta-Nehisi Coates	Nov. 21
11. Christopher Farnsworth	Dec. 4
12. Matthew Klam	Dec. 10
13. Rachel Louise Snyder	Dec. 11

Dated: November 5, 2024

By: /s/ Philip Morton

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Interim Lead Counsel for Plaintiffs

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Maxwell V. Pritt, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of November, 2024, at San Francisco, California.

By: /s/ Maxwell V. Pritt
Maxwell V. Pritt